

24 **WHEREAS**, young people caught with e-cigarettes in school or at off-
25 campus school activities are faced with state-mandated disciplinary action, which
26 leads to decreased instructional time and contributes to the school-to-prison
27 pipeline; and

28 **WHEREAS**, City Code Section 4-9-4 (*Minimum Distance from Certain*
29 *Uses*) prohibits the sale of alcohol within 300 feet of a church, public school,
30 private school, or public hospital except as provided by the Texas Alcoholic
31 Beverage Code; and

32 **WHEREAS**, City Code Section 10-6-2 (*Smoking Prohibited*) prohibits
33 smoking, including the use of e-cigarettes, in public for the protection of public
34 health; and

35 **WHEREAS**, Austin is home to thousands of families, with children under
36 the age of 18 making up 17 percent of the population; and

37 **WHEREAS**, the sale of e-cigarettes has a significant impact on public
38 health, especially the health of minors, and should be regulated in a similar manner
39 to the sale of alcohol; **NOW, THEREFORE,**

40 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

41 Council affirms its commitment to the protection of public health, especially
42 for vulnerable populations.

43 **BE IT FURTHER RESOLVED:**

44 The City Manager is directed to explore options to regulate the sale of
45 synthetic nicotine products and e-cigarettes of any kind so that none of these
46 products may be sold within 1,000 feet of a public school, private school, or
47 daycare.

48 **BE IT FURTHER RESOLVED:**

49 After exploring the options, the City Manager is directed to propose any
50 Code amendments necessary to accomplish the goals of this resolution and to return
51 with a draft ordinance for Council consideration on or before September 11, 2025.

52 **BE IT FURTHER RESOLVED:**

53 If the City Manager determines that a change to the Land Development Code
54 would help accomplish the goals of this resolution, this resolution is sufficient to
55 initiate those amendments. This initiation authority is limited to the changes the
56 City Manager deems necessary to accomplish the goals of this resolution. In the
57 event that changes to City Code Chapter 25-2 (*Zoning*) are necessary, the proposed
58 amendments should be ready to be noticed for the next joint meeting, which is
59 presumably in the fall of 2025.

60 **BE IT FURTHER RESOLVED:**

61 As part of this process, the City Manager is directed:

- 62 (1) to identify businesses likely to be significantly affected by the
63 proposed ordinance;
- 64 (2) to conduct stakeholder engagement with school administrators, faculty,
65 staff, parents, and businesses and business groups potentially impacted
66 by the proposed ordinance; and
- 67 (3) to provide a memo to Council that identifies the categories of
68 potentially impacted businesses and describes stakeholder feedback.

69 **ADOPTED:** _____, 2025 **ATTEST:** _____

70 Erika Brady
71 City Clerk